

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, the Examiner states that Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz et al. ("Herz") in view of Hall et al. ("Hall"). However, in the body of the rejection it appears that Claims 1-6, 9-14 and 17 are rejected over a combination of Herz and Hall and that claims 7, 8, 15 and 16 are rejected over the above combination further in view of Angles et al. ("Angles").

It is submitted that the Examiner has improperly combined the cited references in rejecting the claims. The applicant's invention is directed to a system for providing advertisements to mobile consumer terminals that are specifically directed to an individual user's tastes and also considering the location of the user and the current time of day when the advertisements are being sent. The hypothetical combination of Hall, Herz and Angles would not result in such a system. Hall is directed to only placing orders from a mobile phone and there is no teaching or suggestion of orders being placed in response to advertising received on the phone. Herz is not directed to a system for providing advertisement to individual users. Herz gathers data from a multiplicity of users in a particular location and uses that data to generate general advertising in a particular area such as on billboards or large displays.

In fact, Herz teaches away from direct advertising and ordering from consumers. In Herz, the user's true identity and individual purchasing preferences are specifically not known to the service provider. See Col. 8, lines 61-65. Thus, it is improper to combine Herz with Hall or Angles.

The Examiner cites Angles as teaching a system that monitors the delivery of advertisements to consumers and bills the advertisers based on the delivery. Angles is directed

to a system for providing advertising to a particular consumer only after that consumer has made a request for service and authorizes advertisements to be sent to the consumer's terminal. Thus, the hypothetical combination of Hall and Angles could only possibly result in a system in which after a mobile user places an order for service, an advertisement would be sent to the user.


As noted above, since Herz teaches away from specific advertisements for users and only teaches a system for using location data to provide general advertisements, it is improper to combine Herz with Hall and Angles. However, even if one were to combine Herz with Hall and Angles, this improper combination still would not result in the applicant's invention as recited in Claims 1, 9 and 17. Neither Hall, Herz nor Angles teaches "a means for selecting advertisement data for each consumer by taking consumer's position data and taste data and a current time into consideration. While Herz teaches providing an advertisement based on position and taste, Herz does not take into consideration the current time when deciding what advertising to provide. In providing advertising to a mobile user, the current time of day is an important feature because certain businesses may not be open at a particular time. For example, it would be useless to provide an advertisement for an event that ended at 4:00 p.m. when the current time the mobile user has entered into the particular area is 8:00 p.m. There are many other examples in which advertisers will want their ads presented based on the particular time of day.

Moreover, the improper hypothetical combination of Herz, Hall and Angles would not result in the applicant's invention as a whole. The Herz, Hall and Angles combination would not provide the method of selecting advertisement data from a position data and a taste data of a consumer and a current time; transmitting the advertisement data to a consumer terminal of the consumer; transmitting the position data to a communication dealer terminal;

transmitting a reservation request of a good or a service to the communication dealer, when the consumer selects the good or service based on the advertisement data, and for calculating a scheduled time of consumer's arrival at a shop from the position data of the consumer; accepting the reservation request of the consumer from the communication dealer terminal; executing a reservation process; checking whether the consumer has requested a reservation when the consumer appears at the shop; selling a product or a service to the consumer; and calculating an advertisement effect factor based on the transmitted reservation request data of the consumer by a communication dealer terminal. A method having all the steps as recited above would not flow from the hypothetical combination of Herz, Hall and Angles.

Therefore, it is respectfully submitted that claims 1-17 are patentably distinct from the cited references and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

  
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